

Attorney Docket No.: 062070-0311779

Petition for Certificate of Correction



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: David Dean ROWLEY et al.

CONFIRMATION No.: 9574

PATENT NUMBER: 7,331,791 B2

SERIAL NO.: 10/087,977

ISSUE DATE: February 19, 2008

FILING DATE: March 5, 2002

FOR: SYSTEM AND METHOD FOR EVALUATING A PERSON'S INFORMATION TECHNOLOGY SKILLS

PETITION FOR CERTIFICATE OF CORRECTION

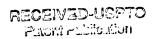
Mail Stop Petition

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

The assignee of the above-identified patent, through its attorneys, hereby requests issuance of a Certificate of Correction. A certificate is required to correct the error as set forth below.

The error is considered to be the fault of the United States Patent and Trademark Office ("PTO"). Therefore, no fees are believed to be required. In the event that fees are determined to be due, however, the Commissioner is hereby authorized to charge such fees to the undersigned's Deposit Account No. 03-3975 (Reference No. 062070-0311779).



Patent No.: 7,331,791 B2

Attorney Docket No.: 062070-0311779

Petition for Certificate of Correction

Correction of Inventor's Name

On July 7, 2004, a Petition for Correction of Inventorship in a Patent Application Under

37 C.F.R. §1.48(a) was filed with the U.S. Patent and Trademark Office in the application that

matured to the above-referenced patent, by which Sean D. Gale was added as an inventor.

On page 2 of the subsequent Office Action mailed August 25, 2004, the Examiner stated,

"The inventorship of this application has been changed by adding Sean D. Gale as an inventor."

A copy of that Office Action, which included a copy of the July 7, 2004 filing, is attached hereto.

Also enclosed herewith is a copy of the Bibliographic Data Sheet of August 25, 2004, printed

from the Public PAIR Image File Wrapper, which has Sean D. Gale handwritten in as an inventor.

These enclosures support the contention that PTO's error resulted in the omission of

inventor Sean D. Gale from the title page of the patent.

CONCLUSION

It is respectfully requested that a Certificate of Correction be issued to correct this error.

Form PTO/SB/44 is attached for this purpose.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Customer No. 00909

S lafar Ali

Registration No.: 58,780

P. O. Box 10500

McLean, Virginia 22102

Telephone: (703) 770-7900 Telefax: (703) 770-7901

Dated: April 1, 2008

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Page 2 of 2

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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Viginia 22313-1450 www.uspio.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/087,977	03/05/2002	David D. Rowley	23415-014 9574		
29315	7590 08/25/2004	EXAMINER			
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD			ROVNAK, JOH	IN EDMUND	
SUITE 900	21 IIILLS ROAD		ART UNIT	ART UNIT PAPER NUMBER	
RESTON, VA	A 20190		3714		

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Str aga		
APR 01 2008 B		SUBSI
APR	Application No.	Applicant(s)
OSSIGN AND TRADEMANT	10/087,977	ROWLEY ET AL.
Office Action Summary	Examiner	Art Unit
	John E. Rovnak	3714
The MAILING DATE of this communication a Period for Reply	ppears on the cover shee	with the correspondence address
A SHORTENED STATUTORY PERIOD FOR REP THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	I. 1.136(a). In no event, however, ma ply within the statutory minimum of d will apply and will expire SIX (6) h ute, cause the application to become	y a reply be timely filed I thirty (30) days will be considered timely. MONTHS from the mailing date of this communication. Be ABANDONED (35 U.S.C. § 133).
Status		
1) ☐ Responsive to communication(s) filed on 03 2a) ☐ This action is FINAL . 2b) ☐ Th 3) ☐ Since this application is in condition for allow closed in accordance with the practice under	nis action is non-final. vance except for formal m	
Disposition of Claims		
4) Claim(s) <u>1-30</u> is/are pending in the applicatio 4a) Of the above claim(s) is/are withdr 5) Claim(s) is/are allowed. 6) Claim(s) <u>1-30</u> is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and	awn from consideration.	
Application Papers 9) The specification is objected to by the Examir 10) The drawing(s) filed on is/are: a) according to a constant may not request that any objection to the Replacement drawing sheet(s) including the correction.	ccepted or b) objected e drawing(s) be held in abe ection is required if the draw	yance. See 37 CFR 1.85(a). ing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the E	Examiner. Note the attac	ned Office Action or form PTO-152.
Priority under 35 U.S.C. § 119		
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the priority application from the International Bures * See the attached detailed Office action for a list 	nts have been received. Ints have been received into the deceived into the deceived in the de	n Application No en received in this National Stage
Attachment(s)		RECEVED MORTO
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	Paper	w Summary (PTO-413) No(s)/Mail Date of Informal Patent Application (PTO-AF2R 0 3 2008

In view of the papers filed 07/07/2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Sean D. Gale as an inventor.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

The finality of the last office action is withdrawn. New grounds of rejection are set forth below.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harned et al. (6594466).

Harned et al discloses a computer implemented method comprising presenting an examination items to a user comprising a practical exercise and questions,

Art Unit: 3714

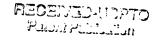
associating a virtual machine with the exercise, displaying information that is associated with the practical exercise describing a task that the user is instructed to complete and launching the virtual machine so the user can perform the task. Harned et al does not detail the types of questions asked but does disclose examination items comprising questions. Multiple choice or essay questions are conventional in the education art and would have been obvious to use in the Harned et al invention. Harned et al does not discuss setting a timer, however, timing an exercise is conventional in the education art and therefore would have been obvious to one of ordinary skill in the art to include for the examination items of Harnet et al. File modification is inherent in the computer implemented method disclosed by Harned et al.

1) FIELD OF THE INVENTION

(2) The present invention relates to computer based training systems. More specifically it concerns a training system operating within the environment of the software it teaches; where the training system utilizes software events to analyze user actions, compare actions to expected results, and provide to the user appropriate feedback.

10) BRIEF SUMMARY OF THE INVENTION

- (11) It is an object of the present invention to solve the above-described problems, as further described below.
- (12) In accordance with one aspect of the invention, there is provided a method and system for computer based training relating to a target system. A user interface is provided, the user interface including at least one graphic display portion, and a courseware viewer portion. At least one exercise module is provided, the exercise module having (1) at least one display file, (2) at least one script corresponding to the at least one display file, and (3) a work file, to be loaded into the target system. The script is displayed in the courseware viewer portion, and the corresponding display file is displayed in the at least one display window.



Art Unit: 3714

(1) DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

- 6) Preferably, the training system is programmed utilizing the Java language, running in a virtual machine provided in the target software. A virtual machine inside the target software can take advantage of standard libraries or package classes (such as graphics drawing files or .DGN package classes) to allow ready access to elements which are to be operated on, e.g., design file elements, and environment settings. The virtual machine can include event generating code that generates software events corresponding to a completed step of each exercise, as well as code which responds to events which occur and initiates the interactive training. The event generating code can readily be incorporated into existing target system software. In the preferred embodiment, the elements to be operated on are graphic elements, and the target system is a graphics system.
- 17) Advantageously, the instructional text that is displayed also includes links to on-line help and to other exercises that describe similar tools and topics within the subject software. Optionally, at the end of the training module, a list of similar topics would be displayed to the user, so that the user can select a another exercise to continue the training session. Summary questions could also be displayed as HTML files with answers which would provide immediate feedback to the student.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the inventions of Anderson et and Roschelle et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Rovnak whose telephone number is (703) 308-3087. If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/087,977

Art Unit: 3714

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Rovnak Primary Examiner Art Unit 3714



PATENT Serial No. 10/087,977

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:

David D. Rowley, et al.

SERIAL NO.:

10/087,977

FILING DATE:

March 5, 2002

ART UNIT:

3714

EXAMINER

John E. Rovnak

ASSIGNEE:

Novell, Inc.

For:

SYSTEM AND METHOD FOR EVALUATING A PERSON'S INFORMATION

TECHNOLOGY SKILLS

MAIL STOP PETITION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION FOR CORRECTION OF INVENTORSHIP IN A PATENT APPLICATION UNDER 37 C.F.R. §1.48(a)

Sir:

Applicants hereby submit this petition under 37 C.F.R. §1.48(a) to correct the inventorship in the above-identified patent application by adding Sean D. Gale as an inventor. Through an error, that arose without any deceptive intention on his part, Sean D. Gale was not named as an inventor in the above-identified patent application.

In accordance with 37 C.F.R. §1.48(a), Applicants hereby submit:

- A. A statement from Sean D. Gale (who is being added as an inventor) that the inventorship error occurred without any deceptive intention on his part.
- B. A joint oath and declaration executed by the actual inventors: David D. Rowley, Thomas K. Christensen, Jeffrey A. Fischer, Craig R. Jenkins, Keith L. Jenkins and Sean D. Gale.

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- C. Written consent from the assignee, Novell, Inc., of Provo, Utah.
- D. A statement under 37 C.F.R. § 3.73(b).
- E. A check in the amount of \$130.00 as the fee set forth in 37 C.F.R. §1.17(h). The Commissioner is authorized to charge any further fees or credit any overpayments to Deposit Account No. 50-0311, Reference No. 23415-014.

CONCLUSION

On the basis of the foregoing, the Applicants respectfully request the granting of this Petition for Correction of Inventorship. An Assignment executed by Sean D. Gale is being filed separately. Applicants invite the Examiner to telephone the undersigned, should the Examiner have any questions concerning this petition.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC

By:

Sean L. Ingram

Registration No. 48,283

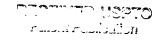
for:

James G. Gatto

Registration No. 32,694

Date: July 7, 2004

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC 12010 Sunset Hills Road Suite 900 Reston, Virginia 20190 (703) 464-4800 (Telephone) (703) 464-4895 (Facsimile)





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:

David D. Rowley, et al.

SERIAL No.:

10/087,977

FILING DATE:

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ASSIGNEE:

Novell, Inc.

For:

SYSTEM AND METHOD FOR EVALUATING A PERSON'S INFORMATION

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MAIL STOP PETITION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT OF SEAN D. GALE

Sir:

I, Sean D. Gale, hereby declare as follows:

- 1. I have read the above-identified application for patent.
- 2. I am an inventor of at least one claim in the above-identified application for patent.
- 3. The omission of my name as an inventor occurred without any deceptive intention on my part.

Date: 6/22/04

Sean D. Gale

RES 114226v1



COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a utility patent is sought on the invention entitled:

System and Method for Evaluating a Person's Information Technology Skills

the specification of which was filed on March 5, 2002, as United States Non-Provisional Application No. 10/087,977 bearing Attorney Docket No. 23415-014.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Appln.	Country	Filing Date	Priority Claimed		
Number	(if PCT, so indicate)	(dd/mm/yy)	Yes	No	
		<u> </u>			

We hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Attorney Docket No. 23415-014

Application No. (U.S.S.N.)	Filing Date (dd/mm/yy)			

We hereby appoint the attorneys and/or agents associated with Mintz Levin Cohn Ferris Glovsky & Popeo, Customer Number

29315

and Patrick McBride, Registration No. 39,295, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all telephone calls to James G. Gatto at telephone number 703-464-8182, and address all correspondence to:

Customer No. 29315

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

JV				7 6
First	Invent	or's	Sign	ature

Fuli Name of Inventor: David D. Rowley

Citizenship:

U.S.A.

Residence:

128 North 700 West

Same as above

Spanish Fork, UT 84660

Mailing Address:

Second Inventor's Signature

Full Name of Inventor: Thomas K. Christensen

Citizenship:

U.S.A.

Residence:

629 North 100 West

Santaquin, UT 84655

Mailing Address:

Same as above

APR 0 3 2003

30 June 2

Attorney Docket No. 23415-014

Van Da		
1117/2		6-22-2004
Third Inventor's Sig	nature	Date
	or: Jeffrey A. Fischer	2
Citizenship:	U.S.A.	
Residence:	114 North 2560 West	•
	Provo, UT 84601	
Mailing Address:	Same as above	
Craig R.	Jenly.	6-28-2004
Fourth Inventor's S	ignature	Date
	or: Craig R. Jenkins -	
Citizenship:	U.S.A.	•
Residence:	965 East 1200 North	
	Orem, UT 84097	
Mailing Address:	Same as above	
I let A		6-31-200f Date
Fifth Inventor's Sign	nature	Date
Full Name of Livento	r: Keith L. Jenkins	
Citizenship:	U.S.A.	
Residence:	-2306 North 940 E. 1861 7	tusceny way of Grove, whoh 84062
	Lehi, UT 84043	4 0 1 1 5000
Mailing Address:	Same as above	1 Grove, when 87062
		1/2/2004
)lm X	all	6/22/2004
Sixth Inventor's Sig		' Date
Full Name of Invento		
Citizenship:	U.S.A.	
Residence:	388 East 1840 North	
	Pleasant Grove, UT 84062	
Mailing Address:	Same as above	

RES 114224v1

PATENT Serial No. 10/087,977



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:

David D. Rowley, et al.

SERIAL NO.:

10/087,977

FILING DATE:

March 5, 2002

ART UNIT:

3714

EXAMINER

John E. Rovnak

ASSIGNEE:

Novell, Inc.

For:

SYSTEM AND METHOD FOR EVALUATING A PERSON'S INFORMATION

TECHNOLOGY SKILLS

MAIL STOP PETITION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP IN PATENT APPLICATION

Sir:

Novell, Inc. is the assignee of the entire, right, title and interest to the above-referenced patent application through an assignment filed in the U.S. Patent and Trademark Office on June 5, 2002.

Novell, Inc., as assignee of the entire right, title and interest, hereby consents to the amendment of the inventorship of this patent as requested in the accompanying papers.

Respectfully submitted,

Novell, Inc.

By:

Patrick McBride

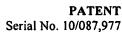
Registration No. 39,295

Intellectual Property Counsel

RES 114228v1

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APR 0 3 2003







IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:

David D. Rowley, et al.

SERIAL NO.:

10/087,977

FILING DATE:

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TECHNOLOGY SKILLS

MAIL STOP PETITION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. §3.73(b)

Sir:

Novell, Inc., a Utah corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from all of the inventors listed in the patent application identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012963, Frame 0654.

The undersigned is authorized to act on behalf of the assignee.

Respectfully submitted,

Patrick McBride

Registration No. 39,295

Intellectual Property Counsel

RES 114230v1

United States Patent and Trademark Office

ONE WAS

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

CONFIRMATION NO. 9574

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BIBDATASHEET*	APR OIL	_	Ĕ
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Bib Data Sheet	A CHAPT						
SERIAL NUMBER 10/087,977	FILING DATE		CLASS 434	GROUP ART 0 3714	UNIT		RNEY DOCKET NO. 23415-014
APPLICANTS			_				
David D. Rowley, Spanish Fork, UT;							
Thomas K. Christensen, Santaquin, UT; Jeffrey A. Fischer, Provo, UT;Craig R. Jenkins, Orem, UT; Keith L. Jenkins, Lehi, UT; Sem D. GALE, Pleasant Grove, UT							
** CONTINUING DAT	A ************************************	-K					90
** FOREIGN APPLICATIONS ************************************							
IF REQUIRED, FORE ** 04/05/2002	IGN FILING LICENSE GRAN	TED					
Foreign Priority claimed 35 USC 119 (a-d) conditions	met yes no Met after A		STATE OR	SHEETS	то	TAL	INDEPENDENT
Verified and Acknowledged	yes no Met after A Examiner's Signature		COUNTRY UT	DRAWING 6	i .	AIMS 30	CLAIMS 6
ADDRESS 29315 MINTZ LEVIN COHN 12010 SUNSET HILLS SUITE 900 RESTON , VA 20190	FERRIS GLOVSKY AND POP S ROAD	PEO PC					
TITLE System and method fo	or evaluating a person's inform	ation tech	nology skills			•	
FILING FEE FEES: Authority has been given in Paper No to charge/credit DEPOSIT ACCOUNT No for following: 1602 All Fees 1.16 Fees (Filing) 1.17 Fees (Processing Ext. of time) 1.18 Fees (Issue)				g Ext. of time)			
1002				Other Credit			F

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

CERTIFICATE OF CORRECTION
Page <u>1</u> of <u>1</u>
PATENT NO. : 7,331,791 B2
APPLICATION NO.: 10/087,977
ISSUE DATE : February 19, 2008
INVENTOR(S) : David Dean ROWLEY et al.
It is certified that an error appears or errors appear in the above-identified patent and that said Letters Pater is hereby corrected as shown below:
On the title page, under Item (75) Inventors: add the following inventor:
Sean D. Gale, Pleasant Grove, UT (US)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

PILLSBURY WINTHROP SHAW PITTMAN LLP P. O. BOX 10500 McLEAN, VA 22102

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.